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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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24201 7590 08/07/2007 FULWIDER PATTON LLP HOWARD HUGHES CENTER 6060 CENTER DRIVE, TENTH FLOOR LOS ANGELES, CA 90045			EXAMINER CHAMPAGNE, LUNA	
			ART UNIT 3627	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/776,745	Applicant(s) ANGERAME, LOUIS	
	Examiner Luna Champagne	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/13/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/30/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant claims benefit of application number 60/477,589 dated 6/10/2003. However the application number is not consistent with USPTO records.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9, 11, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al. (6,055,519), in view of Salvo et al. (6,341,271, B1).

As per claims 1 and 7, Kennedy et al. disclose, providing an order from the customer to the vendor for the purchase of units of the product by the customer from the vendor, providing an indication from the customer to the vendor of a prompt delivery of first particular units of the ordered product by the vendor to the customer, and providing an indication from the customer to the vendor of a delayed delivery of second particular units of the ordered product by the vendor to the customer (see e.g. col. 9, lines 26-34).

Kennedy et al. do not explicitly disclose a method of providing products from a vendor to a customer, the steps of: providing an indication from the customer to the vendor of an product that the customer wishes to purchase from the vendor, providing an indication from the vendor to the customer of the availability of the product at the vendor; receiving an order from a customer of units of a product, forwarding the order for the units of the product to the vendor.

However, Salvo et al. disclose a method of providing products from a vendor to a customer, the steps of: providing an indication from the customer to the vendor of an product

that the customer wishes to purchase from the vendor, providing an indication from the vendor to the customer of the availability of the product at the vendor; (*see e.g. col. 1, lines 25-32*).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al. by including the steps cited above, as taught by Salvo, in order start a transaction in the inventory process.

As per claim 2, Kennedy et al. disclose a method of: providing an indication from the customer to the vendor of the date and time for the delayed delivery of the second particular units of the offered product by the vendor to the customer (*see e.g. col. 9, lines 26-34*).

As per claim 3, Kennedy et al. disclose a method of providing at the vendor a record of the indication from the customer to the vendor of the prompt delivery of the first particular units of the ordered product by the vendor to the customer, and providing at the vendor a record of the indication from the customer to the vendor of the delayed delivery of the second particular units of the ordered product by the vendor to the customer (*see e.g. col. 18, lines 40-67*).

As per claim 4, Kennedy et al. disclose a method of providing at the vendor a record of the indication from the customer to the vendor of the prompt delivery of the first particular units of the ordered product by the vendor to the customer (*see e.g. col. 18, lines 40-67*); and providing at the vendor a record of the indication from the customer to the vendor of the date and time for the delayed delivery of the second particular units of the offered product by the vendor to the customer (*see e.g. col. 9, lines 26-34*).

As per claim 5, Kennedy et al. disclose a method of providing for the shipment by the vendor to the customer of the first particular units of the ordered product promptly after the order by the customer to the vendor of the first particular units of the ordered product, and providing for the shipment by the vendor to the customer of the second particular units of the ordered product at the date and time indicated by the customer to the vendor for the delivery by the vendor to the customer of the second particular units of the ordered product (see e.g. col. 6, lines 37-38 – *the seller then proposes to the buyer a promise to ship items at a certain quantity and date*).

As per claim 6, Kennedy et al. do not explicitly disclose a method of providing an indication from the vendor that it does not have an inventory of the product when it receives the indication from the customer that the customer wishes to purchase the product from the vendor, and discontinuing any further steps by the vendor when the vendor indicates that it does not have the product in inventory.

However, Salvo et al. disclose a method of providing an indication from the vendor that it does not have an inventory of the product when it receives the indication from the customer that the customer wishes to purchase the product from the vendor, and discontinuing any further steps by the vendor when the vendor indicates that it does not have the product in inventory (see e.g. col. 1, lines 35-39).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al. by including the steps cited above, as taught by Salvo et al., in order to increase the probability of fulfilling an order.

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As per claim 9, Kennedy et al do not explicitly disclose the steps at the customer of: initially determining whether the vendor has the units of the product in stock, and ordering the units of the product from the vendor if the vendor has the units of the product in stock.

However, Salvo et al. disclose the steps at the customer of: initially determining whether the vendor has the units of the product in stock, and ordering the units of the product from the vendor if the vendor has the units of the product in stock (*see e.g. col. 1, lines 28-32*).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al. by including the steps cited above, as taught by Salvo et al., in order to simplify, speed up the process and eliminate unnecessary steps.

As per claim 11, Kennedy et al. disclose a method of the steps at the customer of: specifying to the vendor whether or not the units of the product are to be delivered promptly by the vendor to the customer, if the units of the product are not to be delivered promptly by the vendor to the customer, specifying to the vendor the date on which the units of the product are to be delivered by the vendor to the customer (*see e.g. col. 9, lines 26-34*).

As per claim 19, Kennedy et al. disclose a method of providing products from a vendor to a customer, the steps at the vendor of: receiving an order from the customer for units of the product, the order indicating whether the units of the product are to be delivered promptly by the vendor to the customer, and if not, the date for the delivery of the units of the product by the vendor to the customer (*see e.g. col. 9, lines 26-34*); and entering, into a database at the vendor, the order including the customer, the quantity of units in the order and the date of the shipment of the order to the customer (*see e.g. col. 2, lines 22-42*).

As per claim 20, Kennedy et al. disclose a method of the step at the vendor of: shipping the units of the product to the customer on the date specified by the customer in the order (see *e.g. col. 6, lines 37-38*).

3. Claims 8, 10, 12, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al. (6,055,519), in view of Salvo et al. (6,341,271 B1), as applied to claim 7, 9 and 19 above, in further view of Peterson et al. (6,324,522 B2).

As per claims 8, 10, and 12, Kennedy et al., in view of Salvo et al. do not explicitly disclose the steps at the customer of: initially determining whether branch offices of the customer have the units of the product, obtaining the units of the product from the branch offices for submission to the customer without ordering the products of the product from the vendor; subsequently inquiring at the vendor as to the status of the order at the vendor relating to the units of the product, and receiving from the vendor information relating to the status of the order at the vendor of the units of the product.

However, Peterson et al. disclose the steps at the customer of: initially determining whether branch offices of the customer have the units of the product, obtaining the units of the product from the branch offices for submission to the customer without ordering the products of the product from the vendor (*see e.g. col. 1, lines 28-37*); subsequently inquiring at the vendor as to the status of the order at the vendor relating to the units of the product, and receiving from the vendor information relating to the status of the order at the vendor of the units of the product (*see e.g. col. 4, lines 64-67; col. 5 lines 1-3*).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al., in view of Salvo et al., by including the steps cited

above, as taught by Peterson et al., in order to increase the rate of fulfilling the order in a timely manner and keep track of the order.

As per claim 21, Kennedy et al., in view of Salvo et al., do not explicitly disclose the step at the vendor of: indicating to the customer the status of the orders in accordance with requests from the customer.

However, Peterson et al. disclose the step at the vendor of: indicating to the customer the status of the orders in accordance with requests from the customer (*see e.g. col. 4, lines 64-67 and col. 5, lines 1-3*).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al., in view of Salvo et al., by including the step at the vendor of: indicating to the customer the status of the orders in accordance with requests from the customer, as taught by Peterson et al., in order to provide to the customer the ability to keep track of an order.

As per claim 22, Kennedy, in view of Salvo et al. do not explicitly disclose the step at the vendor of: recording into the data base at the vendor the identity of the customer at the time that the order is entered into the database.

However, Peterson et al. disclose the step at the vendor of recording into the database at the vendor the identity of the customer at the time that the order is entered into the database (*see e.g. col. 45, lines 34-41*).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al., in view of Salvo et al., by including the step at the vendor of: recording into the data base at the vendor the identity of the customer at the time that

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the order is entered into the database, as taught by Peterson et al., in order to document the order and also keep track of customers for future sales and advertisement.

4. Claims 13-18, 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al. (6,055,519), in view of Salvo et al. (6,341,271 B1), in further view of Peterson et al. (6,324,522 B2).

As per claim 13, Kennedy et al. disclose a method where if the vendor indicates to the customer that the vendor has the inventory to fill the order, transmitting the order to the vendor for the units of the product, the transmission from the customer to the vendor including an indication of whether the order is to be fulfilled by the vendor promptly or at some future specified time (*see e.g. col. 9, lines 26-34*).

Kennedy et al. do not explicitly disclose a method of providing a product by a vendor to a customer, the steps at the customer of receiving an order for units of the product from a customer, determining from the vendor that the vendor has inventory to fulfill the order; a method of transmitting to the vendor requests to obtain the status of the order and other orders for units of the product, and receiving from the vendor status reports relating to the prior or future fulfillment of the order and the other orders.

Salvo et al. disclose a method of providing a product by a vendor to a customer, the steps at the customer of receiving an order for units of the product from a customer, determining from the vendor that the vendor has inventory to fulfill the order (*see e.g. col. 1, lines 25-32*).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al. by including the steps cited above, as taught by Salvo et

al., in order to start the transaction in the inventory process and verify the availability of products.

Peterson et al. disclose a method of transmitting to the vendor requests to obtain the status of the order and other orders for units of the product, and receiving from the vendor status reports relating to the prior or future fulfillment of the order and the other orders (*see e.g. col. 4, lines 64-67; lines 5, lines 1-3*).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al., in view of Salvo et al., by transmitting to the vendor requests to obtain the status of the order and other orders for units of the product, and receiving from the vendor status reports relating to the prior or future fulfillment of the order and the other orders, as taught by Peterson et al., in order to allow the customer to keep track of an order.

As per claims 14 and 15, Kennedy et al., in view of Salvo et al., do not explicitly disclose a method the steps at the customer of: initially determining from the branches of the customer whether the branches have units of the product to fulfill the order of the customer, and if the branches have units of the product to fulfill the order of the customer, fulfilling the order of the customer from the inventory of the customer at the branch offices of the customer at the branch offices of the customer without determining from the vendor whether the vendor has inventory of the product to fulfill the order of the customer; indicating to the vendor the identity of the customer in connection with the order from the customer to the vendor for the units of the product.

However, Peterson et al. disclose a method the steps at the customer of: initially determining from the branches of the customer whether the branches have units of the product to fulfill the order of the customer, and if the branches have units of the product to fulfill the order

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of the customer, fulfilling the order of the customer from the inventory of the customer at the branch offices of the customer at the branch offices of the customer without determining from the vendor whether the vendor has inventory of the product to fulfill the order of the customer (see e.g. col. 1, lines 28-37); indicating to the vendor the identity of the customer in connection with the order from the customer to the vendor for the units of the product (see e.g. col. 45, lines 32-36).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al., in view of Salvo et al., by including the steps cited above, as taught by Peterson et al., in order to increase the rate of fulfilling the order in a timely manner, and also personalize the transaction between the vendor and the customer.

As per claim 16, Kennedy et al. do not explicitly disclose a method of providing a product by a vendor to a customer, the steps at the customer of: receiving an order for units of the product from a customer, determining from branch offices of the customer if the branch offices have units of the product to fulfill the order from the purchaser, if the branch offices of the customer have units of the product to fulfill the order of the customer, obtaining units of the product to fulfill the order of the customer, if the branch offices of the customer do not have units of the product to fulfill the order of the customer, determining if the vendor has units of the product to fulfill the order of the customer, and if the vendor has units of the product to fulfill the order of the customer, placing an order with the vendor for the units of the product ordered by the customer.

However, Salvo et al. disclose a method where if the branch offices of the customer do not have units of the product to fulfill the order of the customer, determining if the vendor has units of the product to fulfill the order of the customer, and if the vendor has units of the product

to fulfill the order of the customer, placing an order with the vendor for the units of the product ordered by the customer (*see e.g. col. 1, lines 28-32*).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al. by including the steps cited above, as taught by Salvo et al., in order to simplify, speed up the process and eliminate extra steps.

Peterson et al. disclose a method of receiving an order for units of the product from a customer, determining from branch offices of the customer if the branch offices have units of the product to fulfill the order from the purchaser (*see e.g. col. 1, lines 28-37*).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al., in view of Salvo et al., by including the steps cited above, as taught by Peterson et al., in order to increase the rate of fulfilling the order in a timely manner and keep track of the order.

As per claim 17, Kennedy et al. disclose a method of: specifying to the vendor whether the delivery of the order by the vendor to the customer is to be prompt or is to occur at a subsequent specified date (*see e.g. col. 9, lines 11-25*).

As per claim 18, Kennedy et al., in view of Salvo et al., do not explicitly disclose the step at the customer of: thereafter requesting the status of the order when the order is to be fulfilled by the vendor at the subsequent specified time.

However, Peterson et al. disclose the step at the customer of: thereafter requesting the status of the order when the order is to be fulfilled by the vendor at the subsequent specified time (*see e.g. col. 9, lines 11-25*).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al., in view of Salvo et al., by including the steps of requesting the status of the order when the order is to be fulfilled by the vendor at the subsequent specified time, as taught by Peterson et al., in order to allow the customer to keep track of an order.

As per claim 23, Kennedy et al. disclose a method of providing products from a vendor to a customer, the steps of: providing an order from the customer to the vendor for units of the product, providing an indication with the order as to whether the units of the product are to be delivered promptly or on some specified date in the future (*see e.g. col. 9, lines 26-34*).

Kennedy et al., in view of Salvo et al., do not explicitly disclose a method of recording the order and the delivery date of the order in a database at the vendor; a method of providing updates to the customer from the database relating to the status of the order for the units of the product.

However, Peterson et al. disclose a method of recording the order and the delivery date of the order in a database at the vendor (*see e.g. col. 45, lines 32-41*); a method of providing updates to the customer from the database relating to the status of the order for the units of the product (*see e.g. col. 4, lines 64-67; col. 5 lines 1-3*).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al., in view of Salvo et al., by including a method of recording the order and the delivery date of the order in a database at the vendor and providing updates to the customer from the database relating to the status of the order for the units of the product, as taught by Peterson et al., in order to facilitate the tracking of orders.

As per claim 24, Kennedy et al. disclose a method of the step of: providing for the delivery by the vendor to the customer of the units of the product at the date indicated by the customer in the order to the vendor (*see e.g. col. 9, lines 35-37*).

As per claim 25, Kennedy et al., in view of Salvo et al., do not explicitly disclose the step of: initially determining whether branch offices of the customer have the units of the product, providing at the customer for the delivery of the units of the product to the customer from the branch offices of the customer when the branch offices have the units, and providing the order from the customer to the vendor for the units of the product when the branch offices of the customer do not have the units of the product.

However Peterson et al. disclose the step of: initially determining whether branch offices of the customer have the units of the product, providing at the customer for the delivery of the units of the product to the customer from the branch offices of the customer when the branch offices have the units, and providing the order from the customer to the vendor for the units of the product when the branch offices of the customer do not have the units of the product (*see e.g. cols 1, lines 28-49*).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al., in view of Salvo et al., by including the steps cited above, as taught by Peterson et al., in order to provide to the customer the ability to keep track of an order to increase the rate of fulfilling the order in a timely manner.

As per claim 26, Kennedy et al. do not explicitly disclose a method of initially providing a determination by the customer from the vendor as to whether the vendor has the units of the product in its inventory, and providing for the order from the customer to the vendor for the units

of the product when the customer determines from the vendor that the vendor has the units of the product in its inventory.

However Salvo et al. disclose a method of initially providing a determination by the customer from the vendor as to whether the vendor has the units of the product in its inventory, and providing for the order from the customer to the vendor for the units of the product when the customer determines from the vendor that the vendor has the units of the product in its inventory (see e.g. col.1, lines 24-39).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al., by including the steps cited above, as taught by Salvo et al., in order to start a transaction in the inventory process and verify the availability of products.

Re claim 27, Kennedy et al., in view of Salvo et al., do not explicitly disclose a method where the steps of: when the branch offices of the customer do not have the units of the product, providing a determination by the customer from the vendor as to whether the vendor has the units of the product in its inventory providing for the order from the customer to the vendor for the units of the product when the customer determines from the vendor that the vendor has the units of the product in its inventory, and providing for the delivery by the vendor to the customer of the units of the product at the date indicated by the customer in the order to the vendor

However, Peterson et al. disclose a method where the steps of: when the branch offices of the customer do not have the units of the product, providing a determination by the customer from the vendor as to whether the vendor has the units of the product in its inventory providing for the order from the customer to the vendor for the units of the product when the customer determines from the vendor that the vendor has the units of the product in its inventory, and

providing for the delivery by the vendor to the customer of the units of the product at the date indicated by the customer in the order to the vendor (*see e.g. col. 1, lines 37-49*).

Therefore, it would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Kennedy et al., in view of Salvo et al., by including the steps cited above, as taught by Peterson et al., in order to provide the customer the ability to keep track of the order to expand the flexibility in the overall process by providing multiple suppliers.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walker et al. (5,794,207), Seth et al. (7,065,499 B1), Kenney et al. (7,085,729 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luna Champagne whose telephone number is (571) 272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

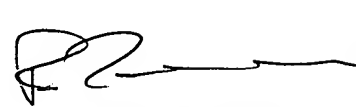
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August 3, 2007

A handwritten signature in black ink, appearing to read "F. Ryan Zeender", followed by a horizontal line and the date "8/3/07".

F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER